

REMARKS

Claims 1-14 are pending. Claims 1, 5, 6, 11, and 12 have been amended.

This response accompanies a Request for Continued Examination in the referenced application.

Claims 1-4, 6-10, and 12-14 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Pat. Pub. 2001/0033683 in the name of Tanaka et al. Reconsideration of this rejection respectfully is requested.

Claim 1 recites an inspection method using an electron beam. The method includes, *inter alia*, “designating a defect region on a sample on which a pattern is formed, the defect region having been selected by an operator from a defect distribution chart containing a graphical display of defects for the sample, the defect region comprising one defect area or operator-combined defect areas having a same type of defect.” The method also includes “generating an abnormal pattern image from the abnormal pattern determined” and “displaying simultaneously at least the inspection image, the reference image, and the abnormal pattern extraction image.”

Tanaka et al. does not teach an operator selecting a defect region on a sample from a defect distribution chart containing a graphical display of defects for samples. Tanaka et al. also does not teach that a defect region including one defect area or operator-combined defect areas. Tanaka et al. also does not disclose displaying simultaneously the inspection image, the reference image, and the abnormal extraction image. Claim 1 is patentable over Tanaka et al. Claims 2-5 depend directly or indirectly from claim 1, and are patentable over Tanaka et al. for at least the same reasons.

Claim 6 also is not anticipated by Tanaka et al. Claim 6 recites an inspection apparatus that includes, *inter alia*, a defect identifier arranged and configured to automatically obtain defect information from the sample and generate a defect distribution chart. Operator control apparatus is arranged and configured to display the defect distribution chart and for operator-designation of a defect region of the sample based on defect distribution. Claim 6 also recites a movable stage positioning the sample region for irradiation, an electron beam source arranged to irradiate the sample region, and an image

processor arranged to obtain and display the inspection image and the reference image, with the difference image being displayable simultaneously with the inspection image and the reference image.

Tanaka et al. does not teach or suggest a defect identifier that generates a distribution chart. Tanaka et al. also does not teach or suggest, for example, apparatus for operator-designation of a defect region in a sample based on defect distribution. Tanaka et al. also does not teach or suggest apparatus that will display an inspection image, a reference image, and a difference image.

Claim 6 is patentable over Tanaka et al. Claims 7-11 depend directly or indirectly from claim 6 and so are patentable over Tanaka et al. for at least the same reasons.

Claim 12 recites an inspection apparatus that includes, *inter alia*, a calculating unit for obtaining a distribution chart in which a feature quantity of the abnormal pattern is used as a parameter, and for classifying the abnormal pattern in a region set in the distribution chart containing graphically illustrated data based on feature quantities of the abnormal pattern. The region comprises one or more areas having a same type of defect combined. A display apparatus displays at least the inspection image or the inspection image and at least one other inspection image, the reference image, and the abnormal pattern.

Tanaka et al. does not teach or suggest an inspection apparatus with a calculating unit for classifying in a region set in a distribution chart containing graphically illustrated data. Tanaka et al. also does not teach or suggest a display apparatus that displays at least the inspection image and the inspection image, the reference image, and the abnormal pattern.

Claim 12 is patentable over Tanaka et al. Claims 13 and 14 depend directly from claim 12, and so are patentable over Tanaka et al. for at least the same reasons.

Application No. 10/669,253
Amendment dated August 23, 2005
After Final Office Action of February 23, 2005

Docket No.: H6808.0024/P024

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Dated: August 23, 2005

Respectfully submitted,

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